

## BRIEFING PAPER

### POLAND<sup>i</sup>

**This text is largely based on the report on the E-Notes, Report on the implementation of anti-trafficking policies and interventions in the 27 EU Member States from a human rights perspective (2008 and 2009), Fermo, (Italy) 2009; chapter on Poland, p. 186 – 188, written by Stana Buchowska**

#### The phenomenon

Poland is a country of origin, transit and destination for trafficked persons. Polish nationals are being trafficked mostly to Germany, the Netherlands, Belgium, Italy, Spain, Greece, and Scandinavian countries and, to a lesser extent, to Austria, Australia, and the United States. According to the analyses of the National Prosecutor Offices, women from Lithuania, Latvia and Moldova trafficked to Germany are smuggled across Poland. As a country of destination, the majority of trafficked persons to Poland are from Ukraine, Bulgaria, Moldova, Romania, Belarus and other countries of the former Soviet Union. During the last four years, NGOs have noticed a growing number of trafficked persons from some African (Cameroon, Djibouti, Nigeria, Senegal, Somalia) and Asian countries (Bangladesh, China, Mongolia, Philippines, Tajikistan, Thailand, Uzbekistan, Vietnam). Although there is a growing awareness of other forms of trafficking, available statistics still show that the majority of the trafficking cases from and to Poland are those with a purpose of exploitation into the sex sector. During the last two-three years a growing number of trafficking cases have been noted, whereby people have been forced into labour, slavery like practices, begging, petty crimes, both abroad and in Poland. In the 2004-2006 period, NGO La Strada Poland mainly assisted women between 21 and 25 years old. The youngest female client was 13, the oldest 52. Only 15% of the people assisted were male. The majority of trafficked men were above 30 years old and had been trafficked for the purpose of forced labour, labour exploitation, begging and petty crimes.

#### National anti-trafficking legislation and institutions

The National Action Plan against Trafficking in Human Beings for 2011-2012 is a continuance of National Programmes for Combating and Preventing Trafficking in Human Beings, which have been implemented since 2003. The primary objective of the Plan is to create conditions necessary to effectively prevent and combat trafficking in human beings in Poland and to support and protect victims of this crime. Actions taken under the Plan should result in improved detection of trafficking in human beings, and as a consequence, increased number of criminal proceedings related to human trafficking as well as increased number of victims of this crime who have been provided support and protection. The inter-ministerial Committee for Combating and Preventing Trafficking in Human Beings, presided by the Undersecretary of State in the Ministry of Interior, is responsible for implementation and monitoring of tasks provided in the Plan. It functions as a consultative and advisory body to the Prime Minister. This Committee is comprised of representatives of government entities (i.e. the Minister for education, the Minister for social security, the Minister of Justice, the



National Public Prosecutor, the Minister for foreign affairs, the Minister for health, the Minister for the Interior, the Committee for European Integration, the Head of the Office for Aliens, the Police Commander-in-Chief, the Border Guard Commander-in-Chief) as well as of invited institutions (the National Labour Inspectorate) and non-governmental organisations dealing with the issues of trafficking in human beings (La Strada Foundation Against Trafficking in Persons and Slavery, Caritas Poland, Nobody's Children Foundation and ITAKA Foundation – Centre For Missing Persons, Halina Niec Legal Aid Centre). In certain aspects, the structures and referral system in Poland are functioning well. Representatives of the competent authorities (police, border guards, prosecutor office) are trained to identify victims, including children. In general, NGOs are consulted in the process of identification. Once identified, trafficked persons can obtain a temporary residence permit according to the Act of Aliens for 6 months, which can be prolonged. Obtaining a residence permit is conditional to the cooperation with the competent authorities. All trafficked persons referred to NGOs have access to various forms of (free of charge) care, including psychological support, crises intervention, medical help, legal assistance, and safe accommodation. For Polish citizens and for migrants with regular resident status, a programme of social and labour inclusion is offered. Although, in theory, the laws to protect trafficked persons are in place, there are several serious obstacles that hinder their implementation, such as, for example, the services offered within the KCIK (the National Intervention and Consultation Centre) programme are conditional; trafficked persons need to express their will to receive such an assistance; trafficked persons have to refuse contacts with their traffickers; the trafficked persons should be identified – either informally by the NGO or formally in case of migrants, by the Police, the Border Guards or the prosecutor office. Although not obliged by formal agreements, individual risk assessments for trafficked persons who (have to) return are carried out by NGOs, in cooperation of partners from country of origin.

### **Access to justice**

Trafficked persons reported to NGOs, KCIK and to La Strada Foundation have access to legal information, which is reliable, accessible in a language the assisted persons can understand. Legal counselling is available on several matters, including legal problems with their civil and family situation, residence status, criminal and court proceedings, compensation claims. Although there are several official ways for trafficked persons to claim compensation in Poland, not many successful claims have been made. This is partly due to a lack of awareness about these possibilities for compensation for trafficked persons.

### **Prevention**

Within the National Action Plan coordination between the various bodies responsible for preventing human trafficking exists. The following preventive actions are generally conducted: programmes, research and awareness raising campaigns for persons vulnerable to trafficking. They are implemented both by governmental institutions and NGOs. The latter especially promote a human rights-based approach and implement gender mainstreaming principle in their projects and



activities. NGOs are conducting lobbying activities to promote safe migration and informed decision about migration among the “at risk” groups. The prevention materials and activities of NGOs are spreading out the accurate, reliable and an appropriate information about the risk of trafficking, safe steps in migration and on working and living conditions in countries of destination.

### **Monitoring and evaluation system**

Unfortunately, no evaluation mechanism is in place in Poland thus far. Most evaluation attempts carried out concerned legal and prosecution aspects of the phenomenon. In order to develop a harmonized system of evaluation, it is necessary to create a questionnaire that will be filled in by European countries – Parties of the Council of Europe Convention. It is important to make a comparative study of questionnaires form different EU countries to better understand current situation in a country and also challenges of the anti-trafficking work. A report and conclusions concerning the measures taken by the states concerned to implement the provisions of the present Convention should be produced. It is also important to increase the role and the involvement of NGOs in the evaluation and monitoring process. Until now, only few NGOs have conducted a monitoring or evaluation activities in Poland.

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<sup>i</sup> This briefing paper is an updated version of my country research report for E-NOTES project – European “European NGOs Observatory on Trafficking, Exploitation and Slavery” that I conducted in 2008-2009 in Poland.

